

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KYLE J. MCDONALD,

Petitioner,

vs.

SCOTT R. FRAKES,

Respondent.

**8:19CV312**

**ORDER**

On January 21, 2020, Respondent filed a Notice of Submission ([filing no. 16](#)) notifying the court that he would not be filing a reply brief and that the merits of Respondent's motion for summary judgment are therefore fully submitted for decision. Respondent declined to file a reply brief because Petitioner did not submit a brief by the January 15, 2020 deadline. After Respondent filed his Notice of Submission, and also on January 21, 2020, Petitioner filed a brief in opposition to Respondent's motion for summary judgment ([filing no. 18](#)) and a Motion Requesting Additional Documents ([filing no. 17](#)), which appear to have been mailed by Petitioner on or about January 14, 2020. Petitioner's motion seeks additional documents that were not provided in Respondent's Designation of State Court Records in Support of Motion for Summary Judgment ([filing no. 14](#)). Upon careful consideration,

IT IS ORDERED that:

1. On or before the close of business on **February 26, 2020**, counsel for Respondent shall submit a response to Petitioner's pending motion for additional documents ([filing no. 17](#)) and provide any documents identified in Petitioner's

motion which counsel for Respondent is able to provide in a supplemental designation.<sup>1</sup>

2. Respondent also shall have until **February 26, 2020**, to file and serve a reply brief in response to Petitioner's brief in opposition to Respondent's motion for summary judgment. Counsel for respondent may incorporate the response to Petitioner's motion for additional documents into her reply brief if she so chooses.

3. The clerk of the court is directed to set a pro se case management deadline using the following text: **February 26, 2020**: check for Respondent's response to Petitioner's motion and reply brief.

Dated this 27th day of January, 2020.

BY THE COURT:

Richard G. Kopf  
Senior United States District Judge

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<sup>1</sup> The court notes that it was able to view several of the documents identified in paragraphs 2, 3, and 4 of Petitioner's motion via the Nebraska Judicial Branch's online court records website, JUSTICE. *See* <https://www.nebraska.gov/justice/case.cgi>.